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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5557/LA4A/83. *Dated, Trivandrum, 16th June,* 1983.

The Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Bill, 1983 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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Seventh Kerala Legislative Assembly

Bill No. 45

THE KERALA PUBLIG BUILDINGS (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1983

A

BILL

further to amend the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968.

Preamble.—Whereas it is Eexpedient further to amend the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968, for the purposes hereinafter appearing;

Be it enacted in the Thirty-fourth Year of tfie Republic of India as follows:—

1. *Short title and commencement.*—This Act may be called the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Act, 1983.

(2) It shall be deemed to have come into force on the 7th day of February, 1983.

2. *Amendment of section* 2.—In section 2 of the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968 (25 of 1968) (hereinafter referred to as the principal Act),—

(1) clause (a) shall be re-lettered as clause (aaa) and before that clause the following clauses shall be inserted, namely:—

"(a) "company"means a company in which not less than fifty-one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala, and includes a company which is a subsidiary of any such company;

(aa) "corporation" means a corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala;";

(2) in clause (d), in the opening paragraph, after the words "or a local authority", the words "or a company or a corporation" shall be inserted.

3. *Amendment of section* 3.—In section 3 of the principal Act, for the proviso to clause (a), the following proviso shall be substituted, namely:—

"Provided that—

(i) in the case of a local authority, the executive authority of that local authority; and

(ii) in the case of a company or a corporation, an officer of that company or corporation,

shall be appointed as estate officer;".

4. *Amendment of section* 6.—In section 6 of the principal Act, in sub-section (2), after the words "or the local authority", the words "or the company or the corporation" shall be inserted.

5. *Amendment of section* 12.—In section 12 of the principal Act, in sub-section (2), for the words "or to a local authority", the words "or a local authority or a company or a corporation" shall be substituted.

6. *Amendment of section* 13.—In section 13 of the principal Act, for the words "or to a local authority", the words "or a local authority or a company or a corporation" shall be substituted.

7. *Amendment of section* 14.—In section 14 of the principal Act, after the words "or the local authority", the words "or the company or the corporation" shall be inserted.

8. *Amendment of section* 17.—In section 17 of the principal Act, after the words "or a local authority", the words "or a company or a corporation" shall be inserted.

9. *Repeal and Saving.*—(1) The Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (14 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968, provides for the eviction of unauthorised occupants from public buildings. The expression "public building" as defined in clause (d) of section 2 of the Act takes in only buildings belonging to, or taken on lease or requisitioned by, or on behalf of, the Covernment or a local authority. The Kerala State Small Industries (Development and Employment) Corporation Limited, has represented to the Government that buildings owned by that Corporation might also be brought within the scope of the definition of the expression "public building" and that officers of the Corporation might be invested with the powers of estate officer under the Act to enable the Corporation to avail of the provisions of the Act for the speedy eviction of unauthorised occupants of sheds in the Industrial Estates owned by the Corporation.

2. It was considered that the provisions of the Act should be made available for the eviction of unauthorised occupants from buildings belonging to the Kerala State Small Industries (Development and Employment) Corporation Ltd., and other companies and corporations owned or controlled by the State Government. This was necessary for the smooth and efficient functioning of those companies and corporations. It was also considered necessary to provide that in respect of buildings owned by a company or corporation an officer of the company or the corporation, as the case may be, should be appointed as estate officer for the purposes of the Act.

3. As the Legislative Assembly was not in session and immediate action was considered necessary, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (4 of 1983) was promulgated by the Governor on the 4th day of February, 1983, for the above purposes.

4. Though a Bill to replace that Ordinance by an Act of the Legislature was published, the same could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983. It was considered necessary to keep alive the provisions of the said Ordinance and therefore the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (14 of 1983), was promulgated by the Governor on the 6th day of April, 1983. The Bill seeks to replace Ordinance 14 of 1983 by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 3 of the Act to provide that in the case of a company or a corporation, an officer of that company or corporation shall be appointed by the Government as estate officer for the purposes of the Act.

The above is a matter of administrative nature. The delegation of legislative power is, therefore, of a normal character.

C. H. MOHAMMED KOYA